April 7, 2022

Janice Bezanson, Senior Policy Director
Texas Conservation Alliance
(State Affiliate of the National Wildlife Federation)
P.O. Box 822554
Dallas, TX 75382

RE: Proposed Desalination Projects: TPDES Permit for Port of Corpus Christi (POCC) Authority

Dear Ms. Bezanson:

On behalf of Regional Administrator Dr. Nance, I want to thank you for your letter dated
February 3, 2022, regarding the draft permit prepared by the Texas Commission on Environmental
Quality (TCEQ) for the Port of Corpus Christi (POCC) Authority's proposed desalination project on
Harbor Island in the Corpus Christi Bay area, Texas Pollutant Discharge Elimination System (TPDES)
permit TX0138347, WQ0005253000 ("the POCC permit") and the permit applications submitted to the
U.S. Army Corps of Engineers for the construction of an oil terminal on Harbor Island and the
deepening of the Corpus Christi Ship channel to accommodate Very Large Crude Carriers (VLCC).
EPA appreciates your concerns regarding the location of the discharge point in the current draft POCC
permit to the Aransas Pass Inlet, which you state will have a devastating cumulative impact on the
natural environment of the region's bay-estuary system.

As you are aware, the TCEQ is authorized to implement the National Pollutant Elimination System
(NPDES) permitting program in the State of Texas. EPA retains an oversight role to ensure state-issued
permits are consistent with the requirements of the Clean Water Act (CWA) and protective of aquatic
life and human health. By letter to the TCEQ dated September 20, 2021, EPA terminated its permit
review waiver for all TPDES draft permits for desalination plants and requested review of the POCC
permit. In response to our letter, the TCEQ provided electronic access to the draft permit and supporting
documents via TCEQ's FTP website on October 1, 2021. Based on its review of the draft POCC permit,
the EPA issued an Interim Objection – Request for Additional Information, to the TCEQ on December
15, 2021 ("Interim Objection letter"). In that letter, the EPA requested additional information regarding
permit conditions to determine whether those conditions meet the requirements of the CWA,
specifically additional information regarding the basis for the establishment of reporting and monitoring
requirements for total dissolved solids (TDS), sulfates, and chlorides.

We are aware that the POCC permit is currently undergoing the contested case hearing process before
the State Office of Administrative Law Judges (SOAH). In the Interim Objection letter, the EPA
requested that the Proposal for Decision (PFD) prepared by the Administrative Law Judge (ALJ)
following the contested case hearing be forwarded to the EPA for review 30 days prior to the record
being closed and that the TCEQ forward the proposed permit prepared at the close of the contested case
hearing to the EPA for review prior to the proposed permit being forwarded to the Commission for
action. The EPA reiterated these requests to the TCEQ in a letter dated March 1, 2022.

The EPA will continue to engage with the TCEQ during the final stages of the permit review and issuance process in accordance with the CWA and the MOA between the EPA and the TCEQ. In regard to projects proposed under Section 404 of the CWA, referenced in your letter, the EPA Region 6 Wetlands Program continues to be engaged in these activities, which are coordinated by the U.S. Army Corps of Engineers - Galveston District.

The EPA is committed to its mission of protecting human health and the environment. We appreciate and thank you for your interest in these projects and we share your commitment to ensuring the protection of Texas coastal waters and the health of the communities who live there. Should you have any questions related to NPDES or the state authorized program, feel free to contact Mark Hayes of my staff at (214) 665-2705, or email:hayes.mark@epa.gov.

Sincerely,

Charles W. Maguire
Director
Water Division